

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISIONFILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

2014 JUL 18 AM 11:59 ch

UNITED STATES OF AMERICA

v.

No. 4:14-CR-023-A

CHRISTOPHER ROBERT WEAST (01)

CLERK OF COURT (M)

**GOVERNMENT'S RESPONSE TO WEAST'S OBJECTION TO JURY CHARGE**

The United States Attorney for the Northern District of Texas, by and through the undersigned Assistant United States Attorney, files this response to Weast's objection to the jury charge and shows the Court as follows:

After further review of case law, including that cited by Weast, the government agrees that Weast is correct, and that the government must prove that he knowingly possessed images of "actual minors." Therefore, the government now accepts Weast's proposed instruction regarding knowledge, which appears on page 14 of the Agreed Jury Charge:

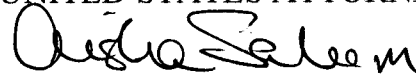
The government must show the defendant had knowledge of the sexually explicit nature of the material. The government must also prove that the Defendant had knowledge that the image involved the actual use of a minor. Although the Defendant need not have specific knowledge as to the specific age of the minor, the Defendant must have had knowledge that the material contains a visual depiction of an actual minor engaging in sexually explicit conduct.

The government maintains that its definition of "minor" is still correct and needs no modification because it tracks the statutory definition. *See*, 18 U.S.C. § 2256(8)(a). Further, in light of the government's agreement of the instruction regarding "knowledge," adding "actual" to the definition of minor would be redundant.

In conclusion, the government agrees with Weast regarding the government's burden of proof related to knowledge of "real" minors but supports its original definition of the term "minor."

Respectfully submitted,

SARAH R. SALDAÑA  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2014, the foregoing Government's Response to Weast's Objection to the Charge was served by hand delivery to Angela Saad at 819 Taylor Street, Room 9A10, Fort Worth, Texas 76102.



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AISHA SALEEM  
Assistant United States Attorney